IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1621/2006
(Raju Ram @ Rajesh Kumar Vs. State of Rajasthan)

Date of Order : 15/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. N.L.Joshi for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 19.9.2006 passed by Judicial Magistrate, Sardarsahar (for short 'the trial court' hereinafter) whereby the trial court determined the age of the petitioner. The order impugned has been passed under the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act' hereinafter).

In the instant case, the trial court determined the age of the petitioner under Section 49 of the Act.

Section 53 of the Act provides that the High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or Court of Session has passed

an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit.

Thus, the order determining the age of the petitioner under the provisions of the Act is revisable. Therefore, there is a remedy of revision and without exhausting the remedy of revision, a petition under Section 482 Cr.P.C. invoking inherent jurisdiction of this Court is not maintainable.

In this view of the matter, the petition is dismissed as not maintainable. However, it is open for the petitioner to challenge the order impugned dated 19.9.2006 by way of revision petition.

(H.R.PANWAR),J.

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